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County of Sacramento

December 9, 2013

Attn: Paul Massera
cwpcom@water.ca.gov
California Department of Water Resources
P.O. Box 942836, Sacramento, CA 94236-0001

**Subject: County of Sacramento and City of Sacramento Stormwater Programs'
Comments on California Water Plan Update 2013**

Dear Mr. Massera:

The City of Sacramento and County of Sacramento Stormwater Programs appreciate this opportunity to provide comments on the multiple sections of the California Water Plan Update 2013. This letter is submitted by Sacramento County on behalf of the stormwater programs of the City of Sacramento and County of Sacramento. Our agencies are Co-Permittees in the municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System (NPDES) permit. We reviewed the Sacramento River (Vol. 2, SR) and Sacramento-San Joaquin Delta (Vol. 2, D) Regional Reports and provide some general comments here. Additionally, these general comments also apply to the Urban Stormwater Runoff Management chapter (Vol. 3, Chapter 20). We support the California Water Plan vision to consider the wide range of factors facing California water users including public safety, environmental stewardship, and economic stability. The multiple layers of regulation imposed on municipalities are not always supportive of each other, and state resources are sometimes expended on highly focused regulatory programs that have limited environmental benefit. We appreciate the California Water Plan's support of local agencies to develop integrated water management (IWM), government agency alignment, and strategies to invest in innovation and infrastructure. The following comments are provided to improve the California Water Plan Update.

Pesticide regulation

Although the California State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (collectively Water Boards) impose requirements on local agencies to address water bodies impaired by pesticides, these same local agencies are explicitly pre-empted

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under state law from regulating pesticide use or sales. The limited tools available to local agencies, such as public education and in-house IPM programs cannot be expected to adequately mitigate water quality impacts caused by pesticides currently registered by the state and federal governments. However, the United States Environmental Protection Agency Office of Pesticide Programs (OPP) and the California Department of Pesticide Regulation have adequate legal authority and clear mandates, under their current statutes (respectively, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the California Food and Agriculture Code), to effectively mitigate the impact of pesticides on urban water bodies. Furthermore, the SWRCB and DPR have established a Management Agency Agreement (MAA) and its implementing document “California Pesticide Management Plan for Water Quality”, which constitute a formal agreement between these agencies to coordinate the exercise of their authorities to mitigate pesticide impacts on water quality. The adoption of DPR’s Surface Water Protection Regulations in 2013 as the primary tool for addressing pyrethroid impairment of urban water bodies demonstrates the commitment and ability of the State to implement the MAA and to protect water quality through existing pesticide statutory authority. Finally, the Water Boards and DPR, through communication with OPP, have consistently supported the concept that regulation of pesticides through FIFRA must be a cornerstone of preventing water quality impacts from pesticides.

1 *The California Water Plan should acknowledge this regulatory issue on pages SR-42 and 20-8 and include specific recommendations to the Water Boards and DPR on pages 20-8, to work effectively with OPP, so that pesticide regulation under FIFRA and the FAC serves as the primary mechanism for preventing pesticide impacts on water bodies. In addition, the Plan should recommend that the existing statutory authority and pesticide control programs established by DPR and OPP be recognized by the Water Boards as an effective control program for mitigating pesticide impacts, so that Clean Water Act 303(d) listed pesticide impairments are covered under Category 4b (attainment through another control measure and TMDL is not needed).*

Proposition 218 and Unfunded Mandates

We support the California Water Plan Update recommendation to state agencies to work with local agencies on legislative solutions to the limitations imposed by Proposition 218 (Volume 20, page 20-9, line 3). However, the California Water Plan Update refers to additional information provided in Volume 4, which was not released for public review.

Please provide the referenced Volume 4 materials so that the detailed recommendations can be reviewed.

Central Valley Drinking Water Policy

The California Water Plan Update does not acknowledge the recently adopted Central Valley Drinking Water Policy Basin Plan Amendments in the water quality sections of the Regional

Reports. This regulatory effort evaluated specific drinking water constituents of concern that were not otherwise regulated in the Basin Plan. The work did not find impairments for organic carbon or pathogens, but did add narrative objectives for *Cryptosporidium* and *Giardia*.

- 2 *The California Water Plan should provide a summary of this completed program and the results in the water quality section of the Sacramento River, Delta, and San Joaquin River Regional Reports.*

We appreciate the Department of Water Resources' efforts to better coordinate state agency activities to more efficiently manage our water resources. Please contact me (916-874- 4389) or Sherill Huun (916-808-1455) at the City of Sacramento if you have any questions or would like to discuss our comments further.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Booth", with a large circular flourish on the left side.

Dana Booth, PG, QSD
Program Manager – Stormwater Quality
Department of Water Resources

cc:

Sherill Huun, City of Sacramento
Sarah Staley, City of Folsom
Dana Grossi, City of Rancho Cordova
Chris Fallbeck, City of Citrus Heights
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